



# HR-600 Code of Conduct

## Human Resources

Applies to	Date last reviewed and version No.	Next review date
All staff	28/03/2019  V2 9/06/2021	09/06/2024

### 1.0 Purpose

The Victorian Aboriginal Child Care Agency (VACCA) expects each staff member to show competence, care, good faith and compliance with instructions, policies and procedures in the performance of their duties and to conduct themselves in a manner which respects the rights and welfare of our clients and other members of VACCA consistent with the VACCA Code of Conduct.

This Code sets out VACCA's expectations of the Board of Directors, staff, volunteers and students with respect to their professional and personal conduct. It intends to promote integrity and ethical behaviour consistent with the organisation's purpose and values and to guide individuals' conduct in interacting with clients and colleagues, stakeholders and the external community.

This Code does not replace legislation nor awards and should be read in conjunction with the professional code of conduct relevant to the individual's profession. A breach of a professional code may affect the capacity of the employee to continue to act in that profession and may also affect the ability of that individual to undertake their duties as a VACCA employee.

### 2.0 Definitions

Term	Definition
<b>Individuals</b>	Refers to Board Directors, staff, volunteers, contractors, and students.
<b>LGBTIQA+</b>	Lesbian, gay, bisexual, transgender, intersex, queer/questioning, asexual and many other terms (such as non-binary and pansexual) that people use to describe their experiences of their gender, sexuality, and physiological sex characteristics.



VACCA  
Connected by culture

Term	Definition
	See Appendix A of LGBTIQA+ Data Collection Procedure/Guidelines for full definitions
<b>May</b>	indicates an option.
<b>Shall</b>	indicates a statement is mandatory.

## 3.0 Policy Statement

### 3.1 Scope

Individuals shall take responsibility to uphold this Code and demonstrate the principles/values in the way they perform their roles, including when performing work, duties or functions for VACCA, as well as related activities, such as work-related functions, travel, conferences and any other circumstances when a person is representing VACCA.

VACCA expects that the Board of Directors, staff, volunteers, contractors and students actively uphold the values of the organisation in their personal life and may not bring VACCA into disrepute with activities in their personal life. All staff shall reflect respectful behaviours generally, and culturally and LGBTIQA+- inclusive behaviours in the workplace specifically, at all times.

#### 3.1.2 Senior Leaders

The Chief Executive Officer (CEO), Directors and Executive Managers have a responsibility to visibly demonstrate and uphold the principles and values of the Code. The roles of CEO, Directors and Executive Managers are to promote an organisational culture that values high ethical standards and behaviours and to ensure staff and other individuals have access to training in the operation of this Code and in ethical decision-making more broadly, making the Code meaningful for all individuals.. It is expected that these executives and senior leaders shall act professionally in their transactions with clients, staff and other stakeholders.

#### 3.1.3 Managers and Supervisors

Managerial behaviour sets the tone for the conduct of all staff. Managers and supervisors (team leaders) have a responsibility to model and promote this Code. Managers have abilities to influence others by fostering an ethical environment and demonstrate this awareness in performing their duties and in making decisions. Managers shall ensure staff and other relevant individuals understand the Code, and any other relevant legislation, delegations, policies or other information required to satisfactorily perform their duties. It is expected that these managers and supervisors act professionally in their transactions with clients, staff and other stakeholders and with positive regard and inclusive practices.

### 3.2 Vision, Values and Principles

**Vision** – Aboriginal self-determination – live, experience and be

**Overarching value** – Aboriginal self-determination

## Our principles

- We advance the rights of Aboriginal peoples
- We respect and acknowledge Aboriginal culture, practices and lore
- We fight for equality and the elimination of all forms of racism
- We strive for excellence with the services we deliver to children, families and communities
- We support the empowerment and the aspirations of communities
- We treat each other, communities and partners with respect

### 3.3 Decision Making and Conflict of Interest

#### 3.3.1 Guide to Decision Making

When making decisions related to VACCA or work matters, individuals shall consider:

- Whether the decision complies with VACCA's legal obligations;
- Whether there are any conflicts or potential conflicts of interest arising from the decision;
- Does the decision fall within the authority level as outlined under VACCA's Decision Making and Delegations Policy; and
- The possible impacts of the decision on others, especially disadvantaged and at-risk individuals and communities and the reputation of VACCA.

#### 3.3.2 Conflict of Interest

##### 3.3.2.1 General

A conflict of interest is when someone has a personal interest in matters, which could improperly influence or appear to improperly influence their objective judgment during the performance of their duties. Individuals shall avoid conflicts or potential conflicts of interest at all times, conducting themselves with honesty, fairness and propriety.

Individuals should be particularly aware of avoiding conflicts of interest if working with persons with whom they have close personal relationships such as family, close friends or personal associates.

A conflict of interest is a serious matter even if it appears to be based only on a perception of conflict.

**It is the responsibility of individuals to disclose an actual, potential or perceived conflict of interest to his/her Manager /Supervisor or fellow Board Directors and for the Manager/Supervisor or fellow Board Directors to determine an appropriate course of action.**

### 3.3.3 Direct Service Provision

The potential for conflict of interest exists where a client or potential client including children, family members or a carer is:

- Immediately related to the worker e.g., sibling, niece, nephew, parent, etc.;
- Someone with whom the worker currently has or has previously had a personal relationship, e.g., someone with whom there is an emotional attachment such as a friend or someone they socialise with outside work; an extended family member including aunt, uncle, grandparent, in-law, or a current or previous partner;
- Someone with whom the worker has some “history” which could include any of the above relationships, but in addition includes incident(s) of violence between the worker and the client/potential client or any other incident involving conflict that would influence the worker’s ability to remain objective in their interactions with the client;
- A person who is seen to behave or communicate in a manner that conflicts with the worker or VACCA’s philosophical beliefs e.g., perpetrators of sexual or violent abuse (provided the individual or VACCA is not being discriminatory).

VACCA understands that for Aboriginal and Torres Strait Islander workers their position at VACCA can sometimes require them to work with community and family which in any other organisation would raise issues around conflict of interest.

**Where a Quality of Care matter arises, there is a potential for serious conflict of interest. In these matters the relevant individual shall not be involved in any decision making related to that client. It is the responsibility of individuals to disclose an actual, potential or perceived conflict of interest to his/her Manager /Supervisor or fellow Board Directors and for the Manager/Supervisor or fellow Board Directors to determine an appropriate course of action.**

VACCA is committed to providing a culturally safe workplace and to providing ongoing support and supervision which includes acknowledgement of the added cultural loads that their workers carry and strategies for handling these. VACCA Aboriginal staff identifying as LGBTIQ+ may have additional specific cultural safety needs which VACCA commits to supporting.

### 3.3.4 Financial

Individuals shall avoid any financial dealings that could in any way compromise their duties or decision making at VACCA.

Financial conflict of interest may arise where an individual with an interest in, or connection with, a company, partnership or other business is in a position to influence contracts or transactions between VACCA and that business. For example, a conflict may arise if an individual diverts a commercial opportunity that may be available to VACCA to another organisation or individual or to his or her own interests.

In financial matters where a conflict of interest may exist, or appears to exist, the individual shall advise his/her Manager/Supervisor or fellow Directors and would normally take no further part in decision making.

**VACCA staff shall at times be required to undertake financial dealings as part of their duties. This could include paying for activities, events or assisting a client. In these situations, staff must have receipts for all expenditure which must have prior approval.**

### **3.4 Integrity and Professional Responsibility**

#### **3.4.1 Respect for Persons**

Individuals shall treat clients, their colleagues, stakeholders and members of the community fairly and consistently, in a non-discriminatory manner with proper regard for their rights and obligations and shall perform their duties in a professional, inclusive and responsible manner.

Individuals shall also ensure that their decisions and actions are reasonable, fair and appropriate to the circumstances, based on a consideration of all the relevant facts, and supported by adequate documentation and in accordance with VACCA's policies.

Staff are expected to use line management processes to resolve issues that may arise.

#### **3.4.2 Duty of Care**

Individuals have a duty to take reasonable care and to avoid causing harm to clients, consistent with the Children, Youth and Families Act 2005 Vic, the Reportable Conduct Scheme, Child Wellbeing and Safety Act 2005 and the Family Violence Protection Act 2008 (Vic), Amended 2018.

Duty of Care may include:

- Being mindful of Client Rights, including their right to complain and to access an advocate;
- Treating all clients in non-discriminatory and culturally sensitive ways in accordance with VACCA's Values and Principles;
- Respecting the safety of same-sex attracted, intersex, non-binary and gender diverse children, young people, their carers and families;
- Upholding the dignity of children, young people and carers who identify and disclose as members of LGBTIQ+ communities by using appropriate inclusive, non-discriminatory language;
- Accepting responsibility where appropriate in providing a nurturing environment for children, young people and families while being mindful of professional boundaries and situational risks;
- Avoiding placing a client at risk of injury or harm and removing clients from risk of injury or harm, including cyber, online, and mobile phone risks and harms;
- Supporting a client's integrity, not compromising or betraying their trust, confidentiality or privacy;
- Behaving appropriately, always in accordance with VACCA's Values and Principles, relevant professional Duty of Care, mandatory reporting under the Child Youth and Families Act 2005, e.g., youth workers and social workers; and Child Safe Standards;

- Being mindful of the necessity of reporting to their supervisor/manager, any allegation of a 'reportable conduct' act or omission, where a person has a reasonable belief that there has been: a sexual offence (even prior to criminal proceedings commencing); sexual misconduct; physical violence committed against, with or in the presence of a child; behaviour causing significant emotional or psychological harm; significant neglect of a child; grooming; misconduct involving any of the above, consistent with the Reportable Conduct Scheme, Commission for Children and Young People;
- Non-compliance with the VACCA Code of Conduct, specific to the Child Safety Standards, may result in reportable allegations of the actions and behaviours of managers, staff, volunteers and contractors to the Commission for Children and Young People, under the Reportable Conduct Scheme;
- All Victorian adults, including VACCA employees, shall report and disclose to their supervisor/manager, any reasonable belief that a sexual offence has been committed by an adult (person over the age of 18 years) against a child under 16 years of age, including grooming, consistent with the *Crimes Amendment (Grooming) Act 2014*. VACCA managers (people in authority) are required by law to act and to protect children, to disclose; failure to protect is a criminal offence;
- Non-compliance with the VACCA Code of Conduct may result in performance management, disciplinary action or termination of employment, consistent with VACCA employment contract and relevant legislation.

### **3.4.3 Presentation for Work**

Individuals shall maintain personal hygiene and professional attire and to present themselves with a clean, neat and professional appearance to VACCA colleagues, clients and members of the public.

### **3.4.4 Acceptance of Gifts or Other Benefits**

VACCA's general principle in relation to gifts and benefits is that individuals shall not seek or accept favours or gifts from anyone who could benefit by influencing them or their family.

This includes gifts of cash and in-kind gifts, such as free accommodation, travel or entertainment. Receipt of gifts may be perceived as an inducement by others, thus creating a potential conflict of interest.

Where a gift is given without prior knowledge or consent of the individual concerned, the individual shall inform their Manager/Supervisor or fellow Board Directors immediately. It is recognised that in some circumstances it is culturally offensive to refuse a gift.

If an individual is unsure about acceptance of a token gift or benefit, discussion shall occur with their Manager/Supervisor or fellow Board Directors.

### **3.4.5 Influence to Secure Advantage**

Individuals shall not use their access or knowledge of VACCA policies, systems, processes or people to obtain advantages not generally available to other individuals.

### **3.4.6 Privacy and use of Personal Information and VACCA's Confidential Information**

All individuals have a duty to maintain the confidentiality and security of any personal information for which they are responsible, including computerised and digital data.

External requests to access VACCA's personal and confidential information shall be processed in accordance with VACCA's Confidentiality Policy & Procedure and Privacy Policy and Procedure.

### **3.4.7 Copyright**

All documents produced by staff whilst undertaking their role at VACCA shall remain the intellectual property and the sole property of the agency. For example, policy documents, manuals, strategic or operational plans and other reports (except client reports) all belong to VACCA.

Individuals shall obtain permission from the CEO and/or fellow Directors if they wish to copy of any documents, whether for themselves, other organisations or the general public.

### **3.4.8 Public Comment**

Individuals are encouraged to take pride in their professional endeavours, to develop positive reputations and to contribute to public discussion in their professional field. However, unless specifically authorised to do so, individuals shall not make public comment on behalf of VACCA or in a context where a comment could be interpreted as a statement on behalf of VACCA. Requests from the media for a comment shall be directed to the CEO for prior approval at all times.

Public comment includes public speaking engagements, comment on radio or television and expressing views in letters to newspapers, online blogs, websites or in books, journals, or social media where it might be expected that the publication or circulation of the comment will spread to the community at large.

### **3.4.9 Workplace Conduct**

Respectful workplace relations and behaviours are expected from all individuals; anything less shall not be tolerated, including swearing, yelling, aggression, and failure to follow instructions. Bullying and discriminatory behaviours, shall not be tolerated and shall be managed in accordance with VACCA's Workplace Equal Opportunity policy.

## **3.5 Safety and Security**

### **3.5.1 Occupational Health & Safety**

VACCA is committed to the provision of a safe and healthy working environment for all individuals, clients and visitors. Individuals have a responsibility to perform their duties in a safe and competent manner in accordance with relevant OH&S legislation and VACCA policies and procedures.

Any illegal activity undertaken in or outside of work hours, such as family violence, and or illicit drug taking, shall be considered a breach of VACCA's Code of Conduct.

VACCA is committed to ensuring that all individuals, clients and others affiliated with VACCA are, as far as reasonably practicable, protected from risk to their health and safety.

### **3.5.2 Use of VACCA Resources**

All individuals shall take care of VACCA resources including vehicles, IT equipment, telephones, stationery, furniture and any other VACCA property and only use them for the legitimate VACCA purposes for which they are provided, and not for personal purposes unless specific approval has been granted or policies provide otherwise.

Individuals shall report damaged, defective, lost or stolen resources to the appropriate VACCA Manager/Supervisor or fellow Board Director and shall ensure that where such damage or defect is a danger to health and safety that action is taken to protect others from such danger.

### **3.5.3 Alcohol and Drugs**

Individuals shall not be under the influence of illicit, non-prescribed drugs or alcohol. In the case of prescribed drugs, individuals shall not attend work where the effect of the drug(s) on the individual could result in risking injury to any person, including the user, potentially damaging the organisation's reputation, or where it contradicts any statutory requirement e.g., driving a vehicle.

## **3.6 VACCA Policy and Compliance Framework**

Individuals shall be aware of, understand and comply with VACCA's policies and procedures, as posted on SharePoint, at all times.

### **3.7 Breaches of the Code of Conduct**

Individuals shall be aware that VACCA views breaches of this Code of Conduct seriously and sanctions may be applied. The nature of the sanctions are dependent upon the nature of the breach and may include mandatory reporting to relevant agencies, disciplinary action up to, and including, dismissal and/or legal action.

Managers have a responsibility to make fair, transparent and consistent decisions regarding any allegations of behaviour that does not uphold this Code. Individuals who report genuine concerns of wrongdoing shall be supported and any reports of suspected wrongdoing shall be managed in fair, transparent and consistent manners.



## 4.0 Monitoring and Review

This Code is scheduled for review every three years to ensure it meets VACCA's objectives and any legislative or other relevant requirements. A range of reporting mechanisms such as Feedback and Complaints, Staff Incidents, Exit Interviews, Industrial Relations issues and training data are used by HR and CQI as a guide to determine the effectiveness of VACCA's Code of Conduct. The CEO shall delegate responsibility for the review of this code of conduct to the Director Corporate Services.

## 5.0 Key Legislation and Related Documents

Staff are required to comply with all relevant legislation, standards and policies including, but not limited to the following:

<b>Legislation</b>	<ul style="list-style-type: none"> <li>• Children, Youth and Families Act, 2005 (Vic)</li> <li>• Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015</li> <li>• Crimes Amendment (Grooming) Act 2014 (Vic)</li> <li>• Equal Opportunity Act 2010 (Vic)</li> <li>• Fair Work Act 2009 (FW Act) and the Fair Work Regulations 2009</li> <li>• Family Violence Protection Act 2008 (Vic), Amended 2018</li> <li>• Federal Sex Discrimination Act 1984 (Cth)</li> <li>• Information Privacy Act 2006 (Vic)</li> <li>• Occupational Health and Safety Act 2004</li> <li>• Same-Sex Relationships (Equal Treatment in Commonwealth Laws) — General Law Reform Act 2008 (Cth)</li> <li>• Victorian Charter of Human Rights &amp; Responsibilities Act 2006 (Vic)</li> <li>• Worker Screening Act 2020</li> </ul>
<b>Related VACCA documents</b>	<ul style="list-style-type: none"> <li>• HR-630 Workplace Equal Opportunity</li> <li>• HR-602 Performance Management and Serious Misconduct</li> <li>• OHS-502 Staff Safety</li> <li>• CORP-304 Information Technology</li> </ul>

## 6.0 Review and Approval

Frequency	Policy Owner	Date Approved
Every 3 years	Director Corporate Services	9 <sup>th</sup> June 2021